

Remarks of Ted Langdell, Ted Langdell Creative Broadcast Services, 209 East 12th St., Marysville, CA 95901

at the Federal Communications Commission Localism Task Force Hearing, May 26, 2004, Rapid City, SD

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Federal Communications Commission
Office of the Secretary

In the matter of RM-10803:

Commissioners Adelstein and Copps, Localism Task Force Members:

It's too bad that Chairman Powell isn't here today.

I'm Ted Langdell. I'm here because this hearing coincided with a visit to relatives in Spearfish, up I-95 about 45 miles from here in Rapid City.

I **can** tell you that Localism is in jeopardy or not existent for a number of smaller communities in my region of California between the Sacramento and Chico markets. These are towns where stations have been allotted, built and licensed, but owners choose to focus their "service" on larger communities 30 to 50 miles away.

The **result** is, the people who live in these communities of license get none of the benefits a locally focused station should, would or in some cases, **did** provide at one time.

Because of that, and other things I'd detail if there's time, I urge the Commission to:

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Make owners really attend to the communities to which their stations are licensed, not the larger, well-served market 30-50 miles away.

Don't take functioning, effective allotments away from communities so an owner can get closer to a larger, well-served market 30-50 miles away.

If there's time I'll explain how a station in my area is being legally "hijacked" to get closer to Sacramento.

Look at the big picture and growth patterns in a region when planning or changing allotments.

Enable electronic comments in Community of License changes, and in all proceedings. You can't file electronically in COL changes. The Paper Only requirement kept some folks from commenting in the "hijack" I spoke of.

Require Community of License changes to be published in a local newspaper of record and to be broadcast at the time of filing and throughout the comment periods on the affected station, much like license transfer and renewal notices.

Relating to television:

Hold off on using vacant TV frequencies for unlicensed technology—

- Until the DTV transition is more settled,
- Until you've lifted the freeze on Low Power TV/Class A television applications,
- Until you've given people time to apply, win, build and make Low Power/Class A television a reality in their markets, and
- Until you've obtained real-world tests of the wireless broadband devices in operation and the interaction with analog and digital TV.

To spark localism that can lead to effective local use of LPTV and Class A stations:

Require cable operators to promote the availability of Leased Commercial Access, so this Congressionally mandated service actually fulfills what Congress and the Commission intended.

Not many people know about this opportunity for localism. For example, a system with 100 channels is required to reserve 15 channels for independent programmers to use at what's supposed to be a low cost.

Simplify the cable Leased Commercial Access rate calculation formula so a CPA isn't required to figure it out.

Require cable systems to their LCA rates and the data used in calculating them. The cable people I've asked about Leased Commercial Access go, "Huh?" when I enquire.

For radio and Television:

Require stations to promote the airing of mandated programs about issues of community concern, and require them to be aired when there's normally a substantial audience, not at 4 a.m. or 5 a.m. on Sunday morning.

Require stations to let people know about the Public Inspection File, when, where it's available, and how to use it. A :30 announcement a day that rotates in all dayparts won't break anyone's bank, and may prompt lackadaisical station owners to clean up their acts if they know someone may come calling.

And finally, require that a percentage of the programs that air originate **locally**. I can tell you about stations that take a network or five, and do little locally beside air local commercials and the legally required station ID.

Stations such as these that take money from their communities but don't give back are a waste of dial space and should be turned over to broadcasters who will create meaningful, local programming, employ local people and provide a return to the communities they're licensed to serve.

Thank you. I'll answer any questions.

If you have a few more minutes, I'd like to address the station hijack I mentioned, give you a clear picture of why I make these requests.

In my area, we're sandwiched between two larger markets, which has affected the development of broadcasting in my area.

Spearfish to Rapid City is about the same distance from my home in unranked Marysville, California to Sacramento, which is the 19th ranked TV market and the 27th ranked radio market.

The Marysville-Yuba City area is also 45 miles south of Chico, which is the 195th radio and 132nd television market.

In our two county community, we've lost the use of our two locally licensed FM stations because of this "grass is greener out of town" view of those who were allowed to acquire the licenses for the stations.

Right now, one of the two FM's is being "hijacked" under a community of license change. This 25,000 watt Class B1 facility is headed to a much smaller community of 12,000 that's miles closer to Sacramento, which forced a downgrade to 6 KW Class A.

This comes after around 20 years of strong service and strong ties to a growing city of 50,000 and a growing, two-county area with around 150,000 people.

Ours is a community that needs the **REACH** this Class B1 station provided in recent floods and wildland fires. The remaining AM stations don't punch into the foothills reliably, and have been flooded off the air.

Unfortunately, this kind of "hijack" is legal... even encouraged under the existing rules, which favor providing **first** service to a community above all other considerations.

I have to question whether the new community of license will really see any benefit, since the owner aimed the station at Sacramento as soon as it took possession a couple of months ago. It's now "Sacramento's 80's station, and more," programmed from studios in Sacramento.

The other FM—a more powerful Class C—is already programmed out of and focused on Sacramento and has been for some years. Any required community issues programs it might air aren't understood by 80% to 90% of the folks in Yuba-Sutter, unless they comprehend Spanish.

Two 80-90 docket Class A stations **have** moved studios into Yuba City and have jumped into the breach... but **they** do so at the expense of real local service to **their own** communities of license, towns of around 4,000 people, 25-30 miles from Marysville-Yuba City.

This is just one example of what's happened to stations allotted to small communities on the fringe of larger markets.

I can give you a dozen examples from within 50 miles of Marysville.

It's a problem that the Commission **should** correct... by looking at the bigger picture in the region and seeing what's actually going on or will be needed by the region in years ahead as staff and the full commission consider allotments and changes.

Commissioner Adelstein told the Rapid City Journal yesterday that he's still in the highway building business... now he's building electronic highways or freeways.

In the case of community of license changes, look at the patterns of community growth, the way people use the affected stations... and by giving equal or more weight to the role the affected station plays in serving the community or region that it would leave.

I also ask the Commission to change the way that comments are handled in COL changes. As I found out, one can file **ONLY** paper copies with the Commission and must serve only paper copies to the various parties.

I know people who would have filed comments about the COL move I just mentioned, but didn't because of the paper filing requirement.

This is one of the few proceedings that the public **can't** file comments via the Commission's e-comment system, and yet it

is one of the types of proceedings in which electronic comments would be the most beneficial to local people and to the Commission. It would save a lot of time, money, paper and Fed-Ex charges, too!

I found out about this particular COL change when it appeared as an action item in a Commission release and was noted in an on-line radio trade publication I read. This was some nine months after the request was filed. It never showed up on the FCC website records for the station at the time of filing, which I regularly go through.

To deal with that, require Community of License changes to be published in a local newspaper of record and to be broadcast at the time of filing on the affected station and during the comment periods, much like license transfer and renewal notices.

Last week, the Commission proposed using vacant television frequencies for unlicensed broadband wireless.

Commissioner Adelstien said “I have lingering concerns about the wisdom of allowing unlicensed operations in the vacant television bands before the DTV transition is complete, and I encourage commenters to fully address this timing issue and any problems that it creates.”

The digital television transition is the cause of the current freeze on low power and Class A TV applications in areas that are near major markets.

My region is one of those that is frozen. It does not have ANY locally licensed television service of any class or power. It **would benefit** from having some, and would also benefit from the unlicensed uses proposed in Notice of Proposed Rule Making (FCC 04-113).

Broadcast TV is either from Sacramento or Chico stations, which don't cover news in our area unless it's a big story like mass murderer Juan Corona, the Lindhurst High School shootings of 1991, the floods or fires of 1997... in short, bad news.

No non-news programming for our community comes from Sacramento or Chico.

Businesses don't have the benefits of being able to advertise on a local television station. There's no economic increase that station employees and spending would create.

If someone found space for a full-power analog and/or digital TV channel that **could** be allocated to Marysville or Yuba City, you can be assured of three things: Prospective bidders would be eying Sacramento service; That would drive the bids up beyond what serving the Yuba City-Marysville market could return to an owner in a reasonable time. As a result, it is highly unlikely that programming would benefit the actual community of license in a **direct** way without FCC mandate.

Low power or Class A television allotments hold the promise of local service in my area because the service area is smaller than full power and costs are affordable... if it doesn't take a battery of Washington lawyers and/or an act of Congress to make it available there.

I'd ask the Commission to hold up on the unlicensed use of vacant TV frequencies until it has done several things:

- Looked at the big picture in all parts of the country,
- Lifted the freeze on Low Power/Class A TV applications,
- Given people a reasonable amount of time to find, apply for and build facilities to serve their areas,
- So that the Commission can get real-world feedback about interference to television stations, and to the unlicensed uses.

In the meantime, you can help develop independent local television by requiring cable companies to promote the availability of Leased Commercial Access... require them to educate their staff members about Leased Commercial Access... and by making the LCA rate calculation formula something that doesn't require a Certified Public Accountant to resolve.

With many systems offering 100 channels or more, at least 15 channels are available in many communities for independent programmers to use... at what's supposed to be a low cost.

Not many people are aware of this, yet it's something that Congress mandated, and the FCC spent a lot of time

developing the rules to implement.

This could help potential station owners create the programming and financial base they'd need to make locally focused LPTV/Class A TV a reality in markets small and large.